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**THE DISTRICT ATTORNEY**  
COUNTY OF SAN DIEGO

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February 4, 2011

Chief Jim Maher  
Escondido Police Department  
1163 North Centre City Parkway  
Escondido, CA 92026

**Re: Fatal shooting of Ms. Jennifer Lynn Favreau on October 15, 2009 by Escondido  
Police Detective Timothy Reiley; Escondido Police Department Case No. 09-15148;  
DA Special Operations Case No. 09-183PS; Deputy District Attorney assigned:  
Damon Mosler**

Dear Chief Maher:

We have reviewed the reports and materials compiled by your department's Homicide Detail concerning the fatal shooting of Ms. Jennifer Favreau by Detective Timothy Reiley. A District Attorney Investigator responded to the scene and was briefed by your investigators. The investigation was presented to our office for review on May 26, 2010.

***Persons Involved***

Ms. Jennifer Favreau was 27 years old and lived at 1811 Grand Avenue in Escondido.

Escondido Police Detective Timothy Reiley was assigned to the Special Investigations Unit. He was armed with a Glock .40 caliber semi-automatic pistol. He was wearing civilian clothes and a black police tactical protective vest that had a cloth police badge and the words "POLICE" displayed in large white letters on the front and back of the vest.

***Shooting***

Officers involved in this incident included Detectives Timothy Reiley, Roger Cirilo, Chris Zach, Ross Umstot, Bodie Berreth, Matt Dixon, Joaquin Naranjo and Officer Arthur Stephens. The detectives were all wearing plain clothes. Each was also wearing either a police tactical protective vest with a cloth badge and the words POLICE visible on the front and back or had their badges displayed on lanyards around their neck. Officer Stephens was in full uniform in his marked patrol car, positioned around the corner from the exit driveway.

During the morning hours on October 15, 2009, Ms. Favreau supplied Escondido Police Detective Cirilo with information regarding a stolen car. For the past year, Ms. Favreau had been a police informant and had supplied Escondido detectives with reliable information. On this occasion, Ms. Favreau sent Cirilo text messages and also spoke to him over the phone about the stolen car. Ms. Favreau told Cirilo that her boyfriend, Christopher Ramirez, was in

possession of a stolen white Ford Focus having just dropped her off at school and he was planning on picking her up later that day and taking her back to her home in Escondido.

Based on Ms. Favreau's information, the detectives first verified that a white Ford Focus had in fact been stolen during a residential burglary in Escondido nine days earlier on October 6, 2009. They also verified that Christopher Ramirez was on active parole from California Department of Corrections for auto theft. They later located the stolen Ford parked in the driveway of Ramirez's parents' home in San Marcos. The detectives initiated a surveillance of the car, but later lost Ramirez and the car when he drove into the Palomar College parking lot.

Knowing Ramirez would eventually take Ms. Favreau home, the detectives reassembled in the parking lot of Ms. Favreau's apartment complex and waited for them to return. When Ramirez and Ms. Favreau arrived, Ramirez parked the stolen car in the lot and both he and Ms. Favreau went into Ms. Favreau's apartment. Detective Cirilo spoke to Ms. Favreau over the phone and told her he didn't want her leaving with Ramirez in the stolen car because they were intending on stopping and arresting Ramirez when he left. The plan was to arrest Ramirez in the parking lot and avoid a possible pursuit. A few minutes later Detective Cirilo observed Ramirez and Ms. Favreau exit the apartment, get into the stolen Ford and began driving away<sup>1</sup>. Ramirez was driving and Ms. Favreau was seated in the right front seat. Sergeant Whitaker radioed the detectives, *"Just make sure that car doesn't go mobile."*

After Ramirez drove by where Detective Naranjo was parked, Naranjo backed his SUV out into the traffic lane to prevent the Ford from backing up. As Ramirez continued driving forward toward the exit, Detectives Berreth and Reiley backed their cars out of their stalls and into the path of the Ford to block its exit and prevent it from reaching the street. With Ramirez's path now blocked to the front and to the rear, Detectives Dixon and Reiley got out of their cars and started running toward the front of the stolen Ford while yelling, *"Police. Stop."*

With the detectives running toward him, with their marked police protective vests gear on, Ramirez put the Ford in reverse and accelerated backwards until he crashed into Detective Naranjo's SUV. The stolen Ford then accelerated forward toward Detectives Umstot, Zach and Reiley. Fearing he would be run over, Detective Reiley fired four times at Ramirez. The first shot missed the car and struck a rain gutter. The second shot missed Ramirez's head by an inch and struck Ms. Favreau fatally, as she leaned forward. The third shot also struck Ms. Favreau; the fourth shot hit the trunk of the stolen Ford. Ramirez continued driving forward, sideswiping Detective Berreth's car and then rammed head on into Officer Stephen's marked patrol car.

### ***Investigation***

The crime scene was secured and an investigation completed. Text messages and the recorded police radio transmissions were reviewed in detail, witnesses and officers were interviewed and the crash scenes were examined and evaluated.

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<sup>1</sup> Radio transmissions and interviews show that not all of the responding detectives knew Ms. Favreau got into the stolen car.

The evidence revealed Detective Reiley fired four shots, the first of which missed. The second and third shots were fired through the Ford's open left rear passenger window and struck Ms. Favreau. One bullet struck her in the left shoulder, exited and penetrated her torso. This shot missed hitting the back of Ramirez's head by an inch and instead hit Ms. Favreau in the shoulder as she leaned forward. The other bullet struck her in the left hip. The fourth shot struck the left rear fender of the Ford and lodged inside. Four expended .40 caliber shell casings were recovered at the scene. The shell casings were located in areas consistent with Detective Reiley's stated firing position.

The stolen Ford Focus sustained major front end damage to the front bumper, hood, grill, left fender, left front door, right passenger mirror, left rear bumper, tail light and trunk lid. Detective Berreth's Ford Fusion sustained moderate damage to the rear bumper and trunk lid. Detective Naranjo's GMC Envoy sustained moderate damage to the right rear quarter panel. The marked Escondido patrol car sustained major front end damage to the front bumper, hood, left and right fenders, left and right headlight assemblies and front driver and passenger doors.

Analysis of the vehicles, skid marks and damage the cars sustained revealed the stolen Ford was travelling at about 20 mph when it crashed into the stopped patrol car. The force of the impact pushed the patrol car back about six feet.

Toxicological examinations of Mr. Ramirez's blood revealed the presence of both Amphetamines and Methamphetamine. After Mr. Ramirez was arrested, officers found 1.91 grams of Methamphetamine in a baggie on his person.

#### ***Witness Interviews***

Several civilian witnesses heard what happened which enabled investigators to determine the sequence of the events. One civilian witness heard squeaking tires followed by a loud car crash and a voice yelling loudly followed a second or two later by at least three gunshots. A second witness heard people screaming followed by gunshots. A third witness heard a car crash followed by someone yelling, possibly commands, and then four gunshots. A fourth witness first heard a car screeching and then three or four gunshots followed by a second car crash.

Detective Cirilo saw Ramirez and Ms. Favreau get into the stolen Ford and drive away from Ms. Favreau's apartment. Cirilo radioed the other detectives, ***"Don't let them hit the street."*** When Cirilo arrived where the shooting took place he saw a commotion near the exit of the parking lot. Cirilo saw Mr. Ramirez accelerate the Ford backwards and crash into Naranjo's SUV, then accelerate forward and the sound of several gunshots. Cirilo said, ***"He was doing his best to get out of there. To get away... He stopped and then he realized the police were here and all of a sudden it went into reverse. I mean it was a split second."***

Detective Berreth saw Ramirez driving toward the exit so he backed up his car so as to block Ramirez from exiting the lot. Berreth saw Ramirez stop, put his car in reverse and then accelerate backwards crashing into Naranjo's SUV. Berreth said as he and the other detectives

were running toward the Ford, Ramirez accelerated toward them. Berreth saw Detective Reiley shoot at the driver side of the Ford as it approached his position. Berreth saw Ramirez continue forward and crash head on into a patrol car.

Detective Naranjo backed his SUV into the traffic lane to block Ramirez's escape route to the rear. Naranjo said, *"He immediately throws it in reverse and then he just starts to gun it in reverse. As he guns it he's picking up speed... He doesn't even look back. He's just focused on the (police) officers in front of him... He just smacks into the side of my car. He's surprised. He looks back towards me and then without skipping a beat puts it in gear and starts to drive forward... He's accelerating towards a group of officers who are rushing towards him... I see the three of them standing in the path of the vehicle... They're scrambling to try to get out of the path of the vehicle... He continues to go forward... and then he comes straight head-on with the patrol unit who was already blocking his path."*

Detective Dixon exited the car he was in, saw Ramirez approaching in the stolen Ford, drew his weapon and yelled out, *"Police"*. Dixon saw Ramirez stop the Ford, shift into reverse and back up and crash into Naranjo's SUV. Dixon was standing in the roadway when he saw Ramirez accelerate forward towards him and pass by. Dixon then heard three or four gunshots.

Detective Umstot was on foot when he saw the Ford accelerate backwards and crash into Naranjo's SUV. Umstot was standing in front of the Ford when it began accelerating toward him. Umstot said, *"The vehicle is coming at me... If I didn't move he was gonna hit me... I see the collision and immediately he's coming at me."* Umstot saw the Ford pass by him within two feet, heard three gunshots and then saw the Ford crash head on into Officer Stephen's marked patrol car.

Officer Stephens heard the Ford was leaving the complex and drove his patrol car into the west driveway of the lot. Stephens heard three to five gunshots and saw the Ford accelerating towards him at about 20 mph. Not having time to react, Stephens held onto the steering wheel, stomped on the brake and braced for impact. Stephens said, *"It was a pretty violent collision."*

#### ***Detective Reiley's Statement***

Detective Reiley provided investigators with a voluntary and recorded statement. When Reiley saw Ramirez approaching, he backed his car into his path to prevent him from reaching the street. Reiley saw Detective Dixon running toward the Ford and heard the car's engine revving and tires squealing. Reiley exited his car and ran toward the Ford that was now backing up and saw the Ford crash into Detective Naranjo's SUV.

Reiley said, *"I could see him driving in reverse. I saw that there was a car behind him... I knew he was going to crash. And it looked deliberate."* Reiley said he and Detectives Dixon and Berreth were yelling, *"Police. Stop."* as they ran toward where Ramirez crashed into Naranjo's Envoy.

Reiley said, *"He put it in drive and revved the engine as hard as he could and started rapidly accelerating straight towards us... I was standing in about the middle of the parking lot... His car was angling to the left hand side of the road which was where I was standing in the middle trying to run and get out of his way... I looked and I could only see him through the windshield. I was only looking at him. I saw it was Christopher and I recognized him... I was trying my best to get out of his way. We were yelling "Police" and he was driving right at us. I thought he was gonna hit me or Bodie... I thought I was gonna get hit. I was trying to get out of the way. I remember I fired towards the windshield. Towards him. And I kept trying to get out of his way and move to my right and he kept coming closer and I fired... I think another three times. I remember him coming within... a foot or two of me."*

Reiley said there was no doubt that Ramirez knew he was a police officer.

Reiley said, *"He had a determined look. I thought he was going to plow through us and drive away from there."*

Reiley believed he fired his first shot toward the windshield and second, third and fourth shots into the driver's window from about two feet away as the car past him. Regarding Ms. Favreau's presence inside the car, Reiley said, *"I didn't even know she was in the car until I heard them asking for medics for a female with a gunshot wound. I never even saw her."* Reiley said the officers who radioed the car was leaving didn't radio that both a male and female got into the car. Reiley said, *"I just heard them say the car's leaving. I heard him say that the male and female were walking towards the car and then shortly after he said the car's leaving."* Reiley said the bright overhead sun prevented him from being able to see that there were two occupants in the car.

#### ***Mr. Christopher Ramirez's Statement***

Christopher Ramirez supplied a recorded and Mirandized statement. Ramirez admitted he was on parole for auto theft. Ramirez said the day before this happened he was high on Methamphetamine when he saw the Ford with the keys in the ignition parked on the street. Ramirez admitted taking the car, knowing he didn't have permission to take the car and that he eventually drove it to Ms. Favreau's apartment in Escondido.

Regarding when he first noticed police officers present, Ramirez said, *"After I heard gunshots. I turned around and seen the badge on one of them, on my window."* Ramirez denied seeing the police vests the detectives were wearing or hearing any of the commands they were yelling.

#### ***Criminal Charges***

On June 15, 2010, the District Attorney's Office charged Mr. Ramirez with ten felony counts, including Attempted Murder, multiple counts of ADW on a Peace Officer, Auto Theft, Burglary, Receiving Stolen Property, Possession of Methamphetamine and Vandalism. On November 17, 2010, Mr. Ramirez pled guilty to seven felony counts; three counts of Assault with a Deadly Weapon on a Peace Officer, one count of Assault with a Deadly Weapon, one count of Auto

Theft and one count of Possessing Dangerous Drugs. On January 12, 2011, Mr. Ramirez was sentenced to ten years in State Prison and ordered to pay \$9,034 in restitution.

### *Autopsy*

On October 16, 2009, San Diego County Deputy Medical Examiner Dr. Christopher Swalwell performed Ms. Favreau's autopsy. Ms. Favreau sustained two gunshot wounds, one to the left arm that penetrated into her chest and one to the left buttocks. There was no soot or stippling associated with either wound. The cause of death was determined to be a gunshot wound to the torso. Toxicological examinations revealed Ms. Favreau had both Methamphetamine and Cannabinoids, at levels consistent with their use, in her blood. The manner of death was classified as a homicide.

### *Legal Analysis*

This review was conducted pursuant to the joint protocol between this office and all San Diego law enforcement agencies calling upon the District Attorney to conduct an independent assessment of the circumstances surrounding the use of deadly force. The review does not examine such issues as compliance with the policies and procedures of any law enforcement agency, ways to improve training or tactics, or any issues related to civil liability. Accordingly, such a review should not be interpreted as expressing an opinion on these matters.

Under California law, peace officers may use deadly force to protect themselves from the threat of death or great bodily harm and to use reasonable force in making an arrest. California Penal Code section 835a allows an officer to use reasonable force to make an arrest and to overcome resistance by a person for whom he has reasonable cause to believe has committed a public offense. That section states the officer need not retreat or desist his effort to affect an arrest because of that person's resistance. Penal Code section 196 declares that homicide is justifiable when committed by public officers when necessarily committed in overcoming actual resistance in the discharge of any legal duty.

In accordance with Penal Code section 196, peace officers may use deadly force in the course of their duties under circumstances not available to members of the general public. We are mindful, however, that certain limits on the use of deadly force apply to peace officers. The U.S. Ninth Circuit Court of Appeals, in the case of *Scott v. Henrich* (9th Cir. 1994) 39 F.3d 912, delineated those circumstances under which deadly force may be used:

“[P]olice may use only such force as is objectively reasonable under the circumstances. An officer's use of deadly force is reasonable only if ‘the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others.’ All determinations of unreasonable force ‘must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation.’” [Citations omitted.]

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Irrespective of any laws applicable to situations where peace officers use deadly force in accomplishing their duties, the law of self defense is available to any person. Homicide is justifiable in accordance with Penal Code 197 when resisting any attempt by a person to commit great bodily injury on or kill any person.

***Conclusions***

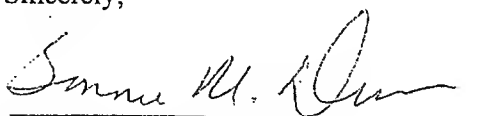
In this case, detectives wearing tactical protective vests or with badges displayed around their necks were following up on information they had received from Ms. Jennifer Favreau, a police informant. Ms. Favreau told Detective Cirilo that her boyfriend, Christopher Ramirez, was in possession of a stolen Ford Focus. This information was confirmed by Detective Cirilo. The detectives followed, lost and later located Ramirez and the stolen Ford when he and Ms. Favreau returned to Favreau's apartment in Escondido.

While detectives attempted to prevent Ramirez from driving away from the apartment he accelerated toward them when he knew the men approaching him were all armed police officers, thereby placing himself, Ms. Favreau and the detectives' safety and well-being in jeopardy. Fearing he would be run over, killed or seriously injured, Detective Reiley fired four times at Mr. Ramirez. Detective Reiley's shots nearly hit Mr. Ramirez, but two of them struck Ms. Favreau as she was leaning forward.

This is a tragic case, but based on the events as they unfolded, it's reasonable to believe Detective Reiley fired at Mr. Ramirez in self-defense and unintentionally hit Ms. Favreau. He therefore bears no criminal liability for his actions.

A copy of this letter along with the materials submitted for our review will be retained in our files.

Sincerely,

A handwritten signature in dark ink, appearing to read "Bonnie M. Dumanis", written over a horizontal line.

BONNIE M. DUMANIS  
District Attorney  
San Diego County

BMD:vf

DATE: Sept 15, 2011  
TO: Chief Jim Maher  
FROM: Captain Robert Benton – Chairperson  
C.C: Deputy City Attorney Michael McGuinness  
SUBJECT: Review of Officer Involved Shooting Incident #09-15148

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The Shooting Review Board has reviewed the Officer Involved Shooting incident relative to Escondido Police Department Case #09-15148.

Board of Review:

Captain Robert Benton Uniform Bureau Commander - Chairperson  
Lieutenant Craig Carter - Investigations Commander  
Lieutenant Christopher Wynn - Investigations Commander  
Lieutenant Mark Wrisley - Training Manager

Involved Officer: Detective Timothy Reiley #335

Date & Time: October 15, 2009, at approximately 1130 hours.

Location: The Western parking lot/driveway of 1811 E. Grand Ave.

Finding: Within Policy

Involved Party:

Deceased: Jennifer Lynn Favreau  
Suspect: Christopher Ramirez

Synopsis:

On 10-15-09 at about 1130 hours, Christopher Ramirez drove a stolen 2005 Ford Focus through the parking lot of 1811 E. Grand Ave in Escondido. The car was reported stolen on 10-06-09. Jennifer Favreau, his girlfriend, was his passenger and assisting Escondido Police Investigators in the apprehension of Ramirez. Escondido Police Department Special Investigations Unit (SIU) detectives were on scene and attempted to stop Ramirez as he drove out of the parking lot.

Officer Dixon, who was assigned to SIU, was wearing a load bearing raid vest with a sewn on cloth police badge and a patch on the front and back that reads "POLICE."  
Officer Dixon exited an unmarked police car and from about eight feet away, pointed his



pistol at the driver identified as Christopher Ramirez. Officer Dixon yelled "Police" at Ramirez, noticing that the car windows were down. Ramirez stopped suddenly and put the car in reverse, quickly backing up and colliding with a stopped undercover vehicle driven by Detective Naranjo pushing the vehicle laterally.

Following the collision with Naranjo, Ramirez quickly drove forward and swerved to the left directly toward where Detective Reiley (on foot) was standing. Detective Reiley was also wearing a police raid vest marked similar to Officer Dixon's vest. Detective Reiley said he pointed his pistol at Ramirez and fired his service weapon at Ramirez about four times. Detective Reiley said Ramirez's vehicle passed within one to two feet of him. Officer Reiley said he was afraid for his life and thought Ramirez was trying to run him over. Officer Umstot and Detective Berreth (both on foot) were also within feet of the moving car. Officer Umstot and Detective Berreth had to jump and run out of the way to avoid being struck by the vehicle.

Ramirez continued driving forward and rammed into the front end of a stopped black and white police car, which was blocking the exit to the complex. Officer Stephens was in the driver's seat of the police unit and braced himself as he knew he was going to be hit by the oncoming vehicle being driven by Ramirez. The force of the collision pushed Stephen's stopped police car back approximately five feet. The Ford Focus was disabled as a result of the collision and Ramirez, who was uninjured, was taken into custody. Jennifer Favreau, who was the front seat passenger, had been unintentionally shot by Detective Reiley and was transported to Palomar Hospital where she later died as a result of her injuries.

Ramirez was arrested at the scene and waived Miranda. Ramirez admitted that he took the Ford Focus on 10-14-09 and claimed the keys were in the ignition when he acquired the vehicle. Ramirez said he saw the officer point a gun at him. Ramirez denied seeing the officers in their raid vests and claimed he thought the officer was a "Homie." Ramirez is on active parole for auto theft. A parole agent placed a parole hold on Ramirez, per PC 3056. Ramirez was charged with three counts of P.C. 245(c) assault on a peace officer. Ramirez also had a small quantity of methamphetamine in his possession, a violation of H&S 11377(a).

On February 4, 2011, the San Diego County District Attorney's Office, Special Operations Unit, completed their review of this incident and found that Detective Reiley did not violate any criminal laws during the incident.

On November 17, 2010, Christopher Ramirez plead guilty to four counts of assault with a deadly weapon, possession of a controlled substance and driving a stolen vehicle and received a sentence of 10 years in state prison.

#### Shooting Review Board Investigation:

While the Shooting Review Board was convened, the following actions were taken by members during the investigation:

- Received an overview of the incident by Sgt. Diana Provost, and Detective John O'Donnell the case agent both of the Crime of Violence (COV) Unit.
- Read and reviewed the investigation completed by the Escondido Police Department Crimes of Violence Unit.
- Read all transcripts of the involved officer interviews, Ramirez interview and written reports submitted by officers.
- Reviewed the photographs of the scene. These photos included overall and detail photos of how the scene looked immediately following the incident. Overhead photographs of the incident scene were also taken by helicopter within hours of the incident.
- Reviewed video footage taken from Officer Walters' motorcycle immediately following the shooting incident.
- A physical inspection of the scene was conducted.
- Review of all radio transmissions leading up to the incident, during the incident and immediately following the incident.
- Inspected the vehicles driven by Christopher Ramirez, Detective Naranjo and Officer Stephens.
- Reviewed the scene diagram created by the Traffic Division, which depicted where the officers and detectives were standing during the incident relative to the vehicle being driven by Christopher Ramirez. The Traffic Division also created an animation that showed the incident from Detective Reiley's perspective.
- Interviews were conducted with Acting Sergeant Whitaker who was the scene supervisor and Sgt. Ellis who is the supervisor of the Special Investigations Unit.

#### **Findings of the Board:**

This Shooting Review Board looked primarily at issues of Policy, Tactics, Training, and Equipment. The following are the findings of the Board and are not in any specific order.

#### **Policy:**

- The Shooting Review Board has determined this shooting was within department policy. This finding is based on Detective Reiley's statement to the investigators that Ramirez drove at a high rate of speed directly at him and other officers. Additionally, Officer Umstot stated that he had to jump out of the way to avoid

being struck by Ramirez. Detective Reilcy stated in his interview, "I remember I thought I was going to get hit. I was trying to get out of the way. And I remembered I fired towards the windshield, towards him. Then, I kept trying to get out of the way, moved to my right and he kept coming closer and I fired another, I think three times. I remember him coming within I think a foot or two of me." "I thought he was going to, uh, going to hit me or, or Bodie and I..." Detective Reiley stated he utilized deadly force to protect his life and the life of other officers. Department Instruction 1.5 states, "It is the policy of the Escondido Police Department that armed personnel shall use a firearm only as a last resort when it reasonably appears necessary, and according to law." It further states that officers may use deadly force "to protect themselves from death or other serious bodily injury; or to protect another officer or any person from death or serious bodily injury."

- Additionally, the department also has a policy regarding shooting at a moving vehicle. Department Instruction 1.5, V. D. 2. states; "Firing at or from moving vehicles is generally prohibited. Experience shows that such action is rarely effective and is extremely hazardous to innocent persons. Only in extremely rare and extraordinary situations is such action justified. Extremely rare and extraordinary situations are those that necessitate the use of a firearm as the ultimate measure of defense of self or another when the suspect is using deadly force." It is the findings of the Shooting Review Board that Officer Reiley fired in the ultimate measure of defense for himself and the other officers who were in front of Ramirez vehicle. The Board based their findings on Officer Reiley's statements, the witness officers and the physical evidence at the scene.

### **Tactics:**

- The shooting review board reviewed the tactics used by investigators in this shooting incident. The board understands that each incident is unique and dynamic. The tactics used and the decisions made were based on training, experience and how this department has handled this type of incident in the past. According to the Detective Cirilo, who was the case agent, told investigators the decision to allow the car to begin driving was based on a multiple of factors. Primarily the greatest concern was an adjacent elementary school separated only by a low chain link fence which would easily be jumped if a foot pursuit ensued. The detectives on scene quickly realized that Oakhill Elementary School was adjacent to the area where the stolen vehicle was parked and that children playing in the yard could be in danger. The school was contacted and locked down prior to any actions being initiated. However, there was no way to clear all of the children from the yard or the parking area adjacent to where the car was parked. Any confrontation or foot pursuit with the suspect in that vicinity could have been extremely dangerous for the children present. Also discussed was not allowing the vehicle out of the parkinglot, which likely become a vehicle pursuit and put many other lives in jeopardy. It was decided to allow the vehicle to move to the west parkinglot area which was void of persons at the time. They planned to

block Ramirez in with two undercover vehicles and the vehicle with the use of both marked and unmarked police cars.

- According to Detective Cirillo's statement it was not his intention to allow Jennifer Favreau to be with Christopher Ramirez during the intervention and told her it was "a bad idea". However when he witnessed her getting into the vehicle he should have clearly communicated this information to the other units. It was not.

### Training

- Communications regarding the suspect's actions need to be clearly transmitted. When Favreau and Ramirez approached the car, Detective Cirilo broadcast that the female was approaching the car. Some officers understood that Favreau was in the car, but Detective Reiley did not. After a review of the radio transmissions, it was realized the communication was not clear.
- It does not appear that ongoing and meaningful communications were present between the unit supervisor Sgt Ellis and patrol supervisor Acting Sgt Heath. Sgt. Ellis briefed the Watch Commander initially, but as the surveillance unfolded, there was little communication between investigations and the patrol supervision team.
- Although the scene was locked down quickly by on scene investigators and evidence was preserved, Detective Reiley's weapon was taken by a patrol supervisor and secured in a trunk of a police vehicle. This is not the best method of evidence collection.
- During the interviews of the involved officers, the case agent asked several leading questions, interrupted or spoke over the interviewee and at times did not allow the officers to answer questions for themselves.
- Although first aid was immediately provided to Favreau, officers need to ensure they are using the appropriate language and are following the most current training protocols when documenting their efforts.
- During the interview of the involved officers, the case agent asked many leading questions and interrupted the officers when they were attempting to provide their answers. Additionally, several officers were not asked some of the most basic questions such as, "did you fire your weapon?" and "why or why not?" Also the investigators often times talked over the person answering the question resulting in a number of unintelligible responses.

## **Equipment**

- Although Officer Reiley and Dixon were clearly identifiable as police officers, not all of the plainclothes personnel were wearing the appropriate police designations at the time of the takedown. The board recognizes that the nature of undercover work may preclude officers from wearing police markings all the time, however when an arrest situation occurs, officers must take the time to don their police vests and department identification or utilize quickly removable cover-ups.

## **Recommendations:**

Based on the investigation, the Shooting Review Board recommends the following:

- The board believes in future situations where the use of undercover or marked vehicles to block a suspect's means of egress, a direct supervisor of the personnel involved should be present or another supervisor who has been designated as the on-scene supervisor. In this case, an acting patrol supervisor was present, but was not aware of all the facts of the case and could not approach the location being in uniform and in a marked vehicle not allowing him to fully supervise the incident. In the event that a supervisor is unable to be present on scene, an acting supervisor should be designated and that authority should be communicated to all involved. Additionally, the supervisor of the investigations unit should keep the patrol supervision team informed of plans and developments, particularly if patrol assets are to be used.
- Additional training in officer involved shootings should be provided to detectives especially in regards to interviewing techniques and questions to ask. In addition investigators should provide a summary of each interview rather than relying on transcripts of interviews.
- A standard checklist of questions should be developed for detectives to use to make sure that all pertinent questions are asked of the involved officers.
- A checklist of who should be submitting reports should be created at the earliest convenience. All officers and supervisors should submit reports within department guidelines.
- Department Range training should be conducted regarding the dynamics of shooting at moving threats.
- Discussions at the command/management level should occur to determine how the department will handle stolen vehicles that are located unoccupied. A policy may need to be implemented regarding if the vehicle will ever be allowed to move with a suspect driving and what level of force will be acceptable to stop a stolen

vehicle from moving. The weight of a property crime versus the potential outcome should be discussed.

- Discussions at the command/management level should occur to review the department's current policy regarding shooting at moving vehicles. The Department's current policy states that shooting at moving vehicles is generally prohibited.
- As stated above not all plainclothes detectives on scene wore clothing clearly identifying them as police. It is recommended that the department research and purchase items allowing investigators to quickly don gear that would clearly identify them as law enforcement both from the front and rear.